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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,250	02/15/2002	Juha Rasanen	915-004.5	3250
4955	7590	10/22/2004	EXAMINER	
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			QUINONES, ISMAEL C	
			ART UNIT	PAPER NUMBER
			2686	
			DATE MAILED: 10/22/2004	6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/078,250

Applicant(s)

RASANEN, JUHA

Examiner

Ismael Quiñones

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2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on January 24, 2002 has being considered by the examiner and made of record in the application file.

Claim Objections

3. **Claim 18** is objected to because of the following informalities: "the transferred calls" recited on line 18, the removal of "the" before the aforesaid limitation ("transferred calls") is suggested because the limitation is introduced for the first time. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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5. **Claims 1-2, 19-20, 22-23, and 28-30** are rejected under 35 U.S.C. 102(a) as being anticipated by Backstrom et al. (U.S. Pat. No. 5,903,851).

Regarding **claim 1**, Backstrom et al. disclose a method for providing a supplementary call service in a telecommunication network (Requesting access to data or services provided by a remote host; *col. 2, lines 53-57; Fig. 2*), comprising the steps of: a) monitoring on a signaling path between end terminals (5, 12) a negotiation signaling of respective call parties (Once a first connection is established an interworking unit monitors the call circuit connection between a data terminal equipment and an application host by examining the contents of ARQ protocol frames; *col. 3, lines 35-51*); b) storing a connection information detected in said monitoring step (Storing the first or original call circuit connection within a register of a Mobile Switching Center; *col. 4, lines 7-11*); c) using said detected connection information to generate a signaling towards at least one of said end terminals (5, 12) to establish said supplementary call service, when said supplementary call service is invoked by one of said call parties (After a period of inactivity a second call circuit is requested by a data terminal equipment, subsequently comparing the current called party identification information with the one stored in the MSC register for the first call circuit connection; *col. 4, lines 18-31*).

Regarding **claim 2**, and as applied to claim 1, Backstrom et al. disclose the aforementioned method, wherein said supplementary call service is applied to a data call (wireless access to the Internet; *col. 1, lines 19-21; col. 5, lines 16-18*).

Regarding **claim 19**, and as applied to claim 1, Backstrom et al. disclose wherein said signaling for establishing said supplementary service is performed by an interworking function provided in said telecommunication network (*Fig. 2, item 40*).

Regarding **claim 20**, and as applied to claim 1, Backstrom et al. disclose wherein said telecommunication network is a mobile network (Public Land Mobile Network (PLMN), *col. 1, lines 50-55*).

Regarding **claim 22**, Backstrom et al. disclose an apparatus for providing a supplementary call service in a telecommunication network (Requesting access to data or services provided by a remote host; *col. 2, lines 53-57; Fig. 2*), comprising: a) monitoring means (34) for monitoring on a signaling path between end terminals (5, 12) a negotiation signaling of respective call parties (Once a first connection is established an interworking unit monitors the call circuit connection between a data terminal equipment and an application host by examining the contents of ARQ protocol frames; *col. 3, lines 35-51*); b) storing means (35) for storing a connection information detected by said monitoring means (34) (Storing the first or original call circuit connection within a register of a Mobile Switching Center; *col. 4, lines 7-11*); and c) signaling means (32, 33) for generating a signaling towards at least one of said end terminals (5, 12) to establish said supplementary call service in response to said stored connection information, when said supplementary call service is invoked by one of said call parties (After a period of inactivity a second call circuit is requested by a data terminal equipment, subsequently comparing the current called party identification information with the one stored in the MSC register for the first call circuit connection; *col. 4, lines 18-31*).

Regarding **claim 23**, and as applied to claim 22, Backstrom et al. disclose the aforementioned apparatus, wherein said signaling means (32, 33) is adapted to send empty or fill frames or supervisory data link layer frames according to said connection information to one of said call parties, in order to keep a connection protocol alive (Wherein a period of inactivity is indicated by ARQ protocol frames by continuously retransmitting a series of zeros or empty frames indicating that the frames are idle while maintaining the connection between the IWU and the PSTN/ISDN network; *col. 3, line 46 thru col. 4, line 6*).

Regarding **claim 28**, and as applied to claim 22, Backstrom et al. disclose the aforementioned apparatus, wherein said signaling means (32, 33) is adapted to indicate changes of a call characteristic to an upper layer entity (The MSC contacting and inter-working unit for adapting transmission and protocols between different communication networks and indicating changes of call characteristics such as inactivity, a connection request, or different identifiers; *col. 3, lines 1-14; col. 4, lines 18-31*).

Regarding **claim 29**, and as applied to claim 23, Backstrom et al. disclose the aforementioned apparatus, wherein said apparatus is a mobile terminal (11) (*Fig. 2, item 15*) connected to one (12) of said end terminals (*Fig. 2, item 10*).

Regarding **claim 30**, and as applied to claim 22, Backstrom et al. disclose the aforementioned apparatus, wherein said apparatus is an interworking unit (31) (*Fig. 2, item 40*).

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. **Claims 3-6, 8-13, 16, 18, and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Backstrom et al. (U.S. Pat. No. 5,903,851) in view of Sayers et al. (U.S. Pat. No. 6,539,237).

Regarding **claim 3**, and as applied to claim 2, Backstrom et al. disclose the aforementioned method wherein the supplementary service is applied to data call. Backstrom et al. fail to clearly specify wherein the data call is video or a multimedia call.

In the same field of endeavor, Sayers et al. disclose a communication system that includes a public wireless network, public fixed networks (i.e. PSTN, ISDN) and a private network (*col. 7, lines 17-26*). Sayers et al. further disclose a control protocol for multimedia

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applications providing the means to control and close a logical channel for audio stream negotiation (H.245; *col. 13, lines 29-33*).

Therefore it would have been obvious to one with ordinary skill in the art at the invention was made to have Backstrom et al. method for providing wireless access to a data terminal equipment to include services such as multimedia applications as taught by Sayers et al. for the purpose of receiving advanced services such as video and high quality voice through conventional cellular systems.

Regarding **claims 4-5, and 8-9** and as each applied to claim 1, Backstrom et al. disclose the aforementioned method. Backstrom et al. fail to clearly specify wherein said supplementary call service is a call hold supplementary service (claim 4), wherein said connection information defines a protocol used between said call parties (claim 5), wherein said signaling for establishing said call hold supplementary service comprises sending a video information or an audio information to one of said call parties (claim 8), and the provision of advances services such as video (claim 9).

In the same field of endeavor, Sayers et al. disclose a communication system that includes a public wireless network, public fixed networks (i.e. PSTN, ISDN) and a private network (Which reads on claim 4; *col. 7, lines 17-26*). Sayers et al. further disclose wherein a call control module is responsible for call related supplementary services such as call hold services (Which reads on claim 4; *col. 12, lines 3-29*), wherein a connection information defines a protocol used between call parties (RIL3-CC, H.245 SMS-PP, which reads on claim 5; *col. 13, lines 1-55*), wherein signaling for establishing said call hold supplementary service comprises

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sending a video information or an audio information to one of said call parties (A call control module and a H.245 module, which reads on claim 8; *col. 12, line 3 thru col. 4, line 55*), and the provision of advances services such as video (Which reads on claim 9; *col. 6, lines 49-52; col. 13, lines 29-33*)

Therefore it would have been obvious to one with ordinary skill in the art at the invention was made to have Backstrom et al. method for providing wireless access to a data terminal equipment to include services such as call hold supplementary services as taught by Sayers et al. for the purpose of providing advanced services to conventional cellular systems.

Regarding **claim 6**, and as applied to claim 4, Backstrom et al. in view of Sayers et al. disclose the aforementioned method wherein said supplementary call service is a call hold supplementary service. In addition Backstrom et al. disclose sending empty or fill frames or supervisory data link layer frames according to said connection information to one of said call parties in order to keep a connection protocol alive (Wherein a period of inactivity is indicated by ARQ protocol frames by continuously retransmitting a series of zeros or empty frames indicating that the frames are idle while maintaining the connection between the IWU and the PSTN/ISDN network; *col. 3, line 46 thru col. 4, line 6*).

Regarding **claim 10**, and as applied to claim 4, Backstrom et al. in view of Sayers et al. disclose the aforementioned method. In addition Backstrom et al. disclose wherein said negotiation signaling is monitored by a mobile terminal connected to one of said end terminals (A mobile station (*item 20*) attached to a data terminal equipment (*item 10*), wherein the data terminal equipment transmits its request on the attached mobile station, wherein the mobile

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station is a member of the wireless public and mobile network (PLMN), furthermore the mobile station monitoring the data activity from the data terminal equipment in order to reconnect with a remote host; *col. 2, lines 53-67; col. 4, line 56 thru col. 5, line 18; Fig. 2).*

Regarding **claims 11-13, and 16**, and as each applied to claim 1, Backstrom et al. disclose the aforementioned method. Backstrom et al. fail to clearly specify wherein said supplementary call service is a call transfer supplementary service (claim 11), wherein said connection information defines a transcoding parameter (claim 12) such as type of audio and/or video codec (claim 13), and transmitting a codec parameter derived from said connection information to a network element having a transcoding capability, in order to provide a required transcoding function at said network element (claim 16).

In the same field of endeavor, Sayers et al. disclose a communication system that includes a public wireless network, public fixed networks (i.e. PSTN, ISDN) and a private network (Which reads on claim 11; *col. 7, lines 17-26*). Sayers et al. further disclose wherein a call control module is responsible for call related supplementary services such as call forwarding/transfer services (Which reads on claim 11; *col. 12, lines 3-29*), wherein a connection information defines a transcoding parameter such as type of audio and/or video codec (A H.245 Encoder/Decoder module for multimedia communication that allows a terminal to communicate it's audio/video capabilities to the other party through a logical channel that negotiates audio stream through codecs, which reads on both claims 12 and 13; *col. 13, lines 29-33*), and transmitting a codec parameter derived from a connection information to a network element having a transcoding capability, in order to provide a required transcoding function at said network element (A H.245 Encoder/Decoder module for multimedia communication that allows

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a terminal to communicate it's audio/video capabilities to the other party (network element) through a logical channel that negotiates audio stream through codecs, which reads on claim 16; *col. 13, lines 29-33*)

Therefore it would have been obvious to one with ordinary skill in the art at the invention was made to have Backstrom et al. method for providing wireless access to a data terminal equipment to include services such as call forwarding services as taught by Sayers et al. for the purpose of providing advanced services to conventional cellular systems.

Regarding **claim 18**, and as applied to claim 11, Backstrom et al. disclose the aforementioned method, further comprising indicating changes of call characteristics to and upper layer entity and performing interworking in said upper layer entity (The MSC contacting and inter-working unit for adapting transmission and protocols between different communication networks and indicating changes of call characteristics such as inactivity, a connection request, or different identifiers; *col. 3, lines 1-14; col. 14, lines 18-31*). Backstrom et al. in fail to clearly specify recognizing an application level compatibility for transferred calls.

In the same field of endeavor, Sayers et al. disclose a communication system that includes a public wireless network, public fixed networks (i.e. PSTN, ISDN) and a private network (LANs; *col. 7, lines 17-26*), wherein the private networks comprise private base stations (P-BTSs) associated with protocol converters which allow access to mobile subscribers to the private network, furthermore the P-BTSs containing required protocol stacks to perform functions for radio communications and multimedia applications, thus providing inter-working functionality (call control modules), in addition the P-BTSs comprising call control modules who

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subsequently comprise software modules for call processing such as call forwarding/transfer (*col. 9, line 46 thru col. 12, line 29*).

Therefore it would have been obvious to one with ordinary skill in the art at the invention was made to have Backstrom et al. method for providing wireless access to a data terminal equipment to include services such as call forwarding services as taught by Sayers et al. for the purpose of providing compatibility between different communication networks such as public and private networks.

Regarding **claim 25**, and as applied to claim 22, Backstrom et al. disclose the aforementioned apparatus adapted to send a data call to one of said call parties (*Fig. 2, item 65*). Backstrom et al. fail to clearly specify wherein the data call is video or audio information.

In the same field of endeavor, Sayers et al. disclose a communication system that includes a public wireless network, public fixed networks (i.e. PSTN, ISDN) and a private network (*col. 7, lines 17-26*). Sayers et al. further disclose a control protocol for multimedia applications providing the means to control and close a logical channel for audio stream negotiation (H.245; *col. 13, lines 29-33*).

Therefore it would have been obvious to one with ordinary skill in the art at the invention was made to have Backstrom et al. apparatus for providing wireless access to a data terminal equipment to include services such as multimedia applications as taught by Sayers et al. for the purpose of receiving advanced services such as video and high quality voice through conventional cellular systems.

9. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Backstrom et al. (U.S. Pat. No. 5,903,851) in view of Sayers et al. (U.S. Pat. No. 6,539,237), further in view of Rasmussen (U.S. Pat. No. 6,088,600).

Regarding **claim 7**, and as applied to claim 4, Backstrom et al. in view of Sayers et al. disclose the aforementioned method, providing a data communication mode for releasing a radio link but maintaining the connection between the mobile station and the data terminal, thus avoiding application synchronization lost (See Backstrom et al.; *col. 4, lines 49-63*). Backstrom et al. in view of Sayers et al. fail to clearly specify resynchronization attempts towards one of the call parties and stopping a related timer in order to prevent a call failure.

In the same field of endeavor, Rasmussen discloses a cellular modem coupled to a data terminal equipment, wherein the cellular modem monitors the activity of the data terminal equipment and a remote host or far-end data endpoint for making an active or inactive state determinations, wherein an inactive state determination is made if no data activity is detected after a timer expiration occurs (*col. 4, lines 35-63*), furthermore the cellular modem periodically power-up its transceiver to perform a quick re-train with a remote cellular modem while in the inactive state to update connection-related parameters, thus quickly re-establishing synchronization with the remote cellular modem (*col. 6, lines 11-53*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Backstrom et al. in view of Sayers et al. method for providing advanced data services through wireless access to include resynchronization as taught by

Rasmussen for the purpose of providing discontinuous transmission for digital packet data in a circuit-switched analog cellular data environment.

10. **Claims 14 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Backstrom et al. (U.S. Pat. No. 5,903,851) in view of Sayers et al. (U.S. Pat. No. 6,539,237), further in view of Gerszberg et al. (U.S. Pat. No. 6,424,646).

Regarding **claims 14 and 15**, and as both applied to claim 11, Backstrom et al. in view of Sayers et al. disclose the aforementioned method. Backstrom et al. in view of Sayers et al. fail to clearly specify wherein said signaling for establishing said call transfer supplementary service comprises a fallback signaling for converting a connection to one of said call parties into a speech mode (claim 14), and wherein said fallback signaling is performed if said connection information indicates that the data call cannot be adapted (claim 15).

In the same field of endeavor, Gerszberg et al. disclose a method wherein upon a failure of a digital link, only analog voice signals might be send over subscriber lines, the analog signals converted into digital format for transmission to one or more external networks, thus ensuring voice communications despite the failure of the digital data link (Which reads on claim 14; *col. 7, lines 6-17*), and wherein fallback signaling is performed if a connection information indicates that data call cannot be adapted (Data link failure, therefore failing to adapt a data link connection between two call parties, which reads on claim 15; *col. 7, lines 6-9*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Backstrom et al. in view of Sayers et al. method for providing

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advanced data services through wireless access to convert data services into voice communications as taught by Gerszberg et al. for the purpose of properly multiplexing and coordinating communication services onto a single communication line, thus avoiding the complete loss of information.

11. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Backstrom et al. (U.S. Pat. No. 5,903,851) in view of Sayers et al. (U.S. Pat. No. 6,539,237), further in view Hamalainen et al. (WO 99/41920).

Regarding **claim 17**, and as applied to claim 16, Backstrom et al. in view of Sayers et al. disclose the aforementioned method. Backstrom et al. in view of Sayers et al. fail to clearly specify wherein said codec parameter is transmitted to said network element, if a fallback signaling to one of said call parties has failed.

In the same field of endeavor, Hamalainen et al. disclose a method for data transmission between different communication devices in a communication network wherein multimedia parameters for multimedia services are transmitted to a mobile switching center that acknowledges the receipt of this data for further optimizing said multimedia services, such as adapting the transmission rate to better correspond or suit the capabilities of the transmission connection (*Page 11, line 1 thru Page 12, line 13; Page 13, lines 1-24*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Backstrom et al. in view of Sayers et al. method for providing advanced data services through wireless access to transmits multimedia parameters for

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optimizing a transmission connection as taught by Hamalainen et al. for the purpose of adapting multimedia services according to the capabilities of the connection, thus avoiding failures or delays in a communication network.

12. **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over Backstrom et al. (U.S. Pat. No. 5,903,851) in view of Sayers et al. (U.S. Pat. No. 6,539,237), further in view of Bressler (U.S. Pat. No. 6,584,190).

Regarding **claim 21**, and as applied to claim 1, Backstrom et al. in view of Sayers et al. disclose the aforementioned method. Backstrom et al. in view of Sayers et al. fail to clearly specify wherein said connection information is at least partly received through an outband signaling.

In the same field of endeavor, Bressler discloses a communication system that utilizes an SS7 communication network for exchanging messages between network nodes over SS7 signaling links, which occurs over out-of-band dedicated links (*col. 3, lines 14-23*).

Therefore it would have been obvious to one with ordinary skill in the art at the invention was made to have Backstrom et al. in view of Sayers method for providing wireless access to a data terminal equipment to exchange data through out-of-band links as taught by Bressler for the purpose of providing and supporting additional services.

13. **Claim 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over Backstrom et al. (U.S. Pat. No. 5,903,851) in view of Rasmussen (U.S. Pat. No. 6,088,600).

Regarding **claim 24**, and as applied to claim 22, Backstrom et al. disclose the aforementioned apparatus providing a data communication mode for releasing a radio link but maintaining the connection between the mobile station and the data terminal, thus avoiding application synchronization lost (*col. 4, lines 49-63*). Backstrom et al. fail to clearly specify resynchronization attempts towards one of said call parties and to stop a related timer, in order to prevent a call failure.

In the same field of endeavor, Rasmussen discloses a cellular modem coupled to a data terminal equipment, wherein the cellular modem monitors the activity of the data terminal equipment and a remote host or far-end data endpoint for making an active or inactive state determinations, wherein an inactive state determination is made if no data activity is detected after a timer expiration occurs (*col. 4, lines 35-63*), furthermore the cellular modem periodically power-up its transceiver to perform a quick re-train with a remote cellular modem while in the inactive state to update connection-related parameters, thus quickly re-establishing synchronization with the remote cellular modem (*col. 6, lines 11-53*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Backstrom et al. apparatus for providing advanced data services through wireless access to include resynchronization as taught by Rasmussen for the purpose of providing discontinuous transmission for digital packet data in a circuit-switched analog cellular data environment.

14. **Claim 26** is rejected under 35 U.S.C. 103(a) as being unpatentable over Backstrom et al. (U.S. Pat. No. 5,903,851) in view Gerszberg et al. (U.S. Pat. No. 6,424,646).

Regarding **claim 26**, and as applied to claim 22, Backstrom et al. disclose the aforementioned apparatus. Backstrom et al. fail to clearly specify said signaling means (32, 33) is adapted to generate a fallback signaling for converting a connection to one of said call parties into a speech mode.

In the same field of endeavor, Gerszberg et al. disclose a method wherein upon a failure of a digital link, only analog voice signals might be send over subscriber lines, the analog signals converted into digital format for transmission to one or more external networks, thus ensuring voice communications despite the failure of the digital data link (*col. 7, lines 6-17*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Backstrom et al. apparatus for providing advanced data services through wireless access to convert data services into voice communications as taught by Gerszberg et al. for the purpose of properly multiplexing and coordinating communication services onto a single communication line, thus avoiding the complete loss of information.

15. **Claim 27** is rejected under 35 U.S.C. 103(a) as being unpatentable over Backstrom et al. (U.S. Pat. No. 5,903,851) in view of Gerzberg et al. (U.S. Pat. No. 6,424,646), further in view Hamalainen et al. (WO 99/41920).

Regarding **claim 27**, and as applied to claim 26, Backstrom et al. in view of Gerzberg et al. disclose the aforementioned apparatus. Backstrom et al. in view of Gerzberg et al. fail to clearly specify, wherein said signaling means (32, 33) is adapted to transmit a coded parameter to a network element (30) having a transcoding capability, in order to provide a required transcoding function at said network element (30).

In the same field of endeavor, Hamalainen et al. disclose a method for data transmission between different communication devices in a communication network wherein multimedia parameters for multimedia services are transmitted to a mobile switching center that acknowledges the receipt of this data for further optimizing said multimedia services, such as adapting the transmission rate to better correspond or suit the capabilities of the transmission connection (*Page 11, line 1 thru Page 12, line 13; Page 13, lines 1-24*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Backstrom et al. in view of Gerzberg et al. method for providing advanced data services through wireless access to transmits multimedia parameters for optimizing a transmission connection as taught by Hamalainen et al. for the purpose of adapting multimedia services according to the capabilities of the connection, thus avoiding failures or delays in a communication network.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- a. Lioy et al. (U.S. Pat. No. 6,377,556), Method and Apparatus to Resynchronize PPP on U_M Interface without Affecting PPP on a R_M Interface and to Resynchronize PPP on a R_M Interface Without Affecting PPP on a U_M Interface.
- b. Ejzak (U.S. Pat. No. 6,389,066), System and Method for Adaptive Modification of Modulated and Coded Schemes in a Communication System.
- c. Rasanen (WO 99/43172), Multimedia and Multiservice Calls in a Mobile Network.

17. Any response to this Office Action should be **faxed to** (703) 872-9306 or **mailed to**:

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Crystal Park II

2021 Crystal Drive

Arlington, VA 22202

Sixth Floor (Receptionist)

18. Any inquiry concerning this communication on earlier communications from the Examiner should be directed to Ismael Quiñones whose telephone number is (703) 305-8997. The Examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

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19. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379, and fax number is (703) 746-9818. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9301.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703) 305-4700 or call customer service at (703) 306-0377.

Ismael Quiñones

I.Q.

October 5, 2004


RAFAEL PEREZ-GUTIERREZ
PATENT EXAMINER
10/16/04